IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

WP(C).No. 6931 of 2007(A)

PETITIONER:

T.K.RAJAN, CLASS - I CONTRACTOR,
KANCHAN CENTRE, KULAI, MANGALORE.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SRI.K.I.SAGEER

RESPONDENTS:

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1. KANHANGAD MUNICIPALITY, REPRESENTED BY
ITS SECRETARY,OFFICE OF THE KANHANGAD MUNICIPALITY
KANHANGAD, KASARAGOD DISTRICT.

2. THE SECRETARY,
KANHANGAD MUNICIPALITY, O/O.THE KANHANGAD
MUNICIPALITY, KANHANGAD, KASARAGOD DISTRICT.

3. SREEKANTAN NAIR,
P.W.D. CONTRACTOR, RESHMI NILAYAM,
ALAMIPPALLY, KANHANGAD, KASARAGOD.

4. THE KANHANGAD MUNICIPAL COUNCIL,
REPRESENTED BY ITS CHAIRPERSON, O/O.
THE KANHANGAD MUNICIPALITY, KANHANGAD,
KASARAGOD DISTRICT.

R3 BY ADV. SRI.SHIRAZ ABDULLA
SRI.IMTHIYAZ AHAMED
R1 & R2 BY ADV. SRI.K.K.CHANDRAN PILLAI
SRI.R.V.SATHYAPRIYAN NAIR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 6931 OF 2007

Dated this the 12th day of March, 2007

JUDGMENT

Detailed counter affidavit has been filed by the Municipality and also by the 3rd respondent. Of course, a reply affidavit has been filed by the petitioner. But I do not think that this Court will be able, in this proceedings under Article 226 of the Constitution, to resolve serious factual controversy which has now arisen as to whether Exts.P11 and P11 (a) had been willfully removed by the Municipality from the tender file submitted by the petitioner.

Under these circumstances, the Writ Petition will stand dismissed. This judgment however will not stand in the way of the petitioner pursuing other remedies, if any, available to him.

PIUS C. KURIAKOSE, JUDGE

btt